

## SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 6 (Sub-No. 477X)

November 9, 2011

**RECOMMENDATION:     Remove one condition and add two new conditions**

By decision served on September 16, 2011, the Board imposed 5 environmental conditions. Condition Number 4, set forth below, addressed federally threatened and endangered species:

Pursuant to Section 7 of the Endangered Species Act, and prior to the commencement of salvage activities, BNSF Railway Company (BNSF) shall retain a qualified biologist to conduct an assessment of potential impacts from salvaging activities to federally listed threatened and endangered species that may occur in the vicinity of the Line, report the results of this assessment in writing to the Board's Office of Environmental Analysis (OEA), comply with appropriate mitigation measures developed by OEA following Section 7 consultations with the U.S. Fish and Wildlife Service (USFWS) to determine whether the abandonment is likely to adversely affect any federally threatened or endangered species found in the project area, and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until all issues regarding federally threatened and endangered species are addressed and the Board has removed this condition.

**New Information Regarding Biological Survey**

BNSF submitted new information (attached) stating that biologists conducted a biological survey within the rail right-of-way—the project area—and observed no special status species. In addition, the survey determined that the project area, which includes primarily developed and disturbed land, has very little potential to serve as habitat that would support special status species. Accordingly, based on the results of the biological survey, OEA has determined that the proposed abandonment would not have any direct adverse impacts on federally listed threatened or endangered species.

However, a biologist noted that adjacent to the project area, there is a strip of coastal sage scrub, a type of habitat with moderate potential to support the federally threatened California gnatcatcher.<sup>1</sup> If this strip of coastal sage scrub is found to be occupied by California gnatcatcher, then salvage of the rail line could result in indirect effects to the species. Such indirect effects could be avoided if salvage activities (on the portion of the line that is directly adjacent to the habitat) are avoided during the breeding season (February 15 – August 30). Accordingly, out of an abundance of caution, OEA is recommending that salvage activities in the vicinity of the coastal sage scrub be avoided during the California gnatcatcher's breeding season (February 15 – August 30).

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<sup>1</sup> The California gnatcatcher is a small bird that frequents dense coastal sage scrub growth.

In addition, the biological survey found that any removal of vegetation (including non-native vegetation) during the migratory bird and/or raptor season could result in impacts to active nests in and within 500 feet of the right-of-way. Therefore, OEA is recommending that any vegetation clearing be conducted during the non-breeding season (September 1 through February 14). If any vegetation clearing is required during salvage activities, we recommend that a qualified biologist conduct a nesting bird survey prior to salvage activities and, in the event an active nest is found within or adjacent to the right-of-way, we recommend avoiding clearing activities within a 500-feet of the nest until a biologist determines that the nest is no longer active.

## **Conclusions**

Based on the additional information submitted by BNSF, OEA recommends that the Board remove Condition Number 4 and impose 2 new conditions upon any decision granting abandonment authority. Accordingly, the combined conditions, as modified by the recommendations in this document, are as follows:

1. BNSF Railway Company shall ensure that best management practices during are followed during salvage activities to prevent erosion.
2. Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the U.S. Army Corps of Engineers (Corps) regarding the abandonment's potential impacts to the San Gabriel River and, if applicable, comply with any reasonable requirements. BNSF shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.
3. To avoid potential indirect impacts to the federally threatened California gnatcatcher, BNSF Railway Company (BNSF) shall ensure that salvage activities in the vicinity of coastal sage scrub are avoided during the California gnatcatcher's breeding season (February 15 – August 30).
4. To avoid impacts to migratory birds and raptors, BNSF Railway Company (BNSF) shall ensure that any vegetation clearing that occurs as part of salvage activities shall be conducted during the non-breeding season (September 1 through February 14). In addition, if vegetation clearing is required during salvage activities, BNSF Railway Company shall ensure that: (a) a qualified biologist conducts a nesting bird survey prior to any salvage activities and (b) in the event an active nest is found within or adjacent to the right-of-way, then a 500-foot buffer zone should be established and no clearing should be allowed within the buffer zone until the biologist determines that the nest is no longer active.
5. Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the California Department of Fish and Game regarding the abandonment's potential impacts to State listed or other sensitive species and, if applicable, comply with any reasonable requirements. BNSF shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.

Please feel free to contact Victoria Rutson or Christa Dean at 245-0299 if you have any questions.



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October 7, 2011

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E-FILED

Ms. Victoria Rutson  
Chief, Office of Environmental Analysis  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

Re: STB Docket No. AB-6 (Sub-No. 477X), BNSF Railway Company --  
Abandonment of Rail Service Easement Exemption -- In Los Angeles  
County, California

Dear Ms. Rutson:

Attached for filing is the biological assessment prepared by ICF International, as required by the Surface Transportation Board in its decision served September 16, 2011, in the above-referenced proceeding.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell".

Karl Morell  
Of Counsel

Enclosure

cc: Christine Medak, Fish and Wildlife Service

alluvial fan sage scrub, laurel sumac series, and southern willow scrub within the Kincaid Pit and/or the Miller Brewing property. However, as discussed above, the project has been revised to eliminate these sites from the proposed project. Native vegetation was only observed within two main areas during the 2011 survey, as discussed below. No special-status species were observed within the survey area during the 2011 survey. In addition, as discussed in the SEIR, the project area has been determined to have very little potential to support special-status species as it consists primarily of developed/disturbed areas.

1. A strip of coastal sage scrub, a native vegetation community, was observed within the survey area in the vicinity of the Miller Brewing property (eliminated from the project footprint) and the San Gabriel River. This vegetation community within the survey area contains high quality native shrubs including California sagebrush (*Artemisia californica*), laurel sumac (*Malosma laurina*), scale broom (*Lepidospartum squamatum*), and buckwheat (*Eriogonum fasciculatum*). There is moderate potential for the strip of coastal sage scrub to support the federally listed coastal California gnatcatcher (*Polioptila californica*); no gnatcatchers were observed during the 2011 biological survey or during focused surveys conducted in support of the 2005 Biological Resources Report (Chambers Group, Inc. 2005). Based on conversations between ICF and Mr. Kurt Kroner, we understand that this strip of coastal sage scrub occurs outside of the proposed project footprint. If impacts to coastal sage scrub are avoided, direct impacts to the coastal California gnatcatcher (if present) could be avoided. In addition, indirect impacts to the coastal California gnatcatcher (if present) could be avoided if construction activities adjacent to occupied habitat are avoided during the breeding season for this species (February 15 – August 30).

No riparian vegetation was observed within the portion of the San Gabriel River that occurs within the survey area. The portion of the river located within the survey area consists of the concrete spillway. Riparian vegetation occurs adjacent to the survey area in this location (and outside of the proposed project footprint) and consists of monotypic mulefat scrub (*Baccharis salicifolia*) (photo 1; site photographs provided in Attachment B); exotic, non-native species were not observed in the portion of the San Gabriel River that occurs within the survey area. While this area would support nesting birds and other common wildlife species, it was determined not to be suitable for listed avian species (such as the least Bell's vireo and southwestern willow flycatcher) due to the lack of diversity of riparian shrubs and trees.

2. A patch of cattails (*Typha latifolia*) was observed at the previously mapped Feature 12 (identified on the jurisdictional delineation maps previously prepared by ICF's delineators; ICF 2010) adjacent to existing tracks. This area, which occurs outside of the proposed impact areas, lacked any other riparian shrubs or trees (photo 2). This portion of the survey area was determined not to be suitable habitat for listed avian species due to the lack of shrub or tree diversity.

Based on the results of the updated biological survey, review of previous reports prepared for the Metro Gold Line Project, and discussion with you, ICF has determined that direct impacts to sensitive vegetation communities and special-status species would not occur as a result of the currently proposed project; direct impacts to jurisdictional resources would occur as a result of the proposed project and was analyzed in a separate report (ICF 2010). The project footprint occurs

Mr. Kurt Kroner  
September 30, 2011  
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Sincerely,

A handwritten signature in black ink, appearing to read 'Glen Kinoshita', with a stylized flourish at the end.

Glen Kinoshita  
Biologist

**Attachments:**

**Attachment A - Figures**

**Figure 1 - Regional Location**

**Figure 2 - Project Vicinity**

**Figure 3 - Suitable Gnatcatcher Habitat within the Survey Area**

**Attachment B - Site Photographs**

**Attachment A**  
**Figures**

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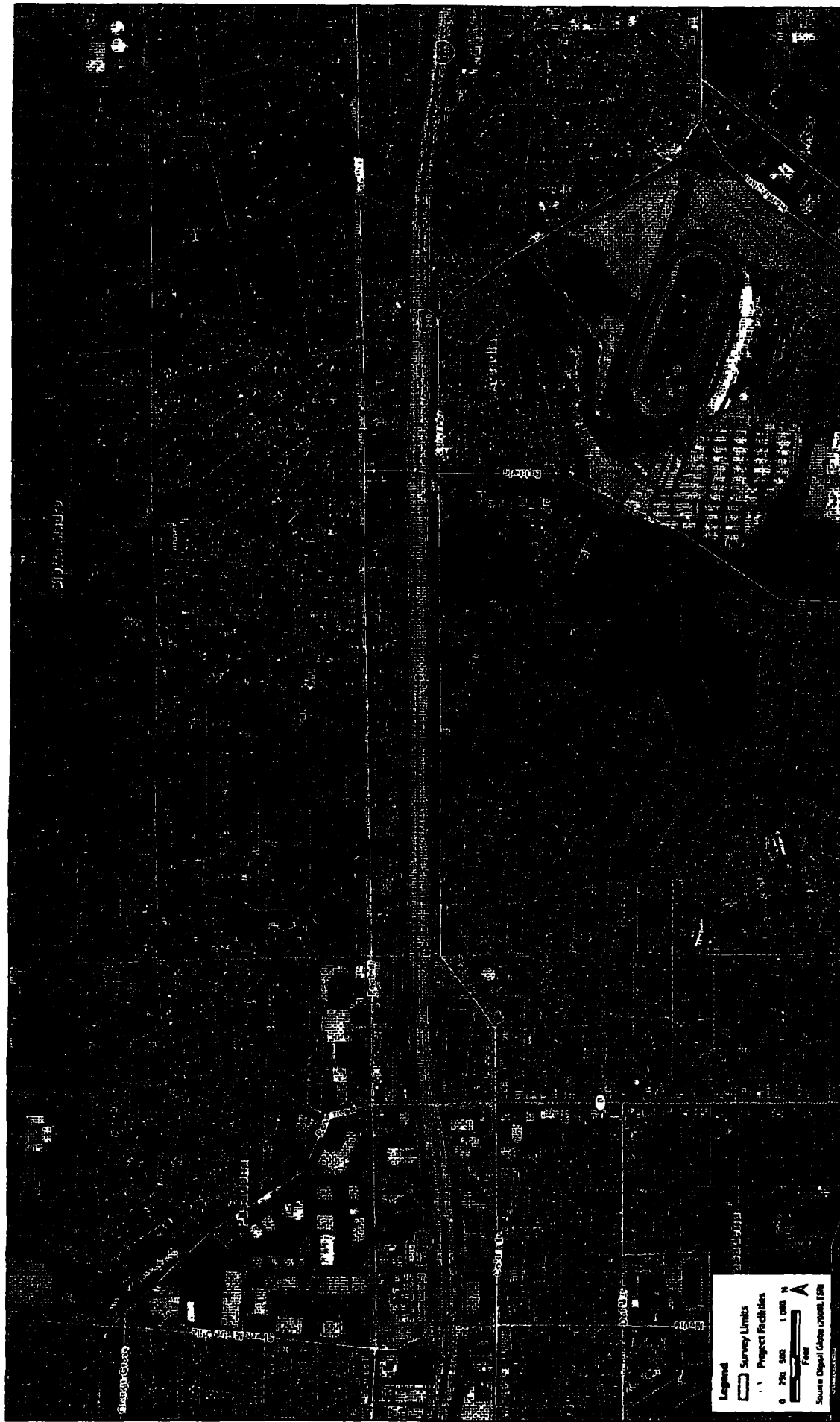
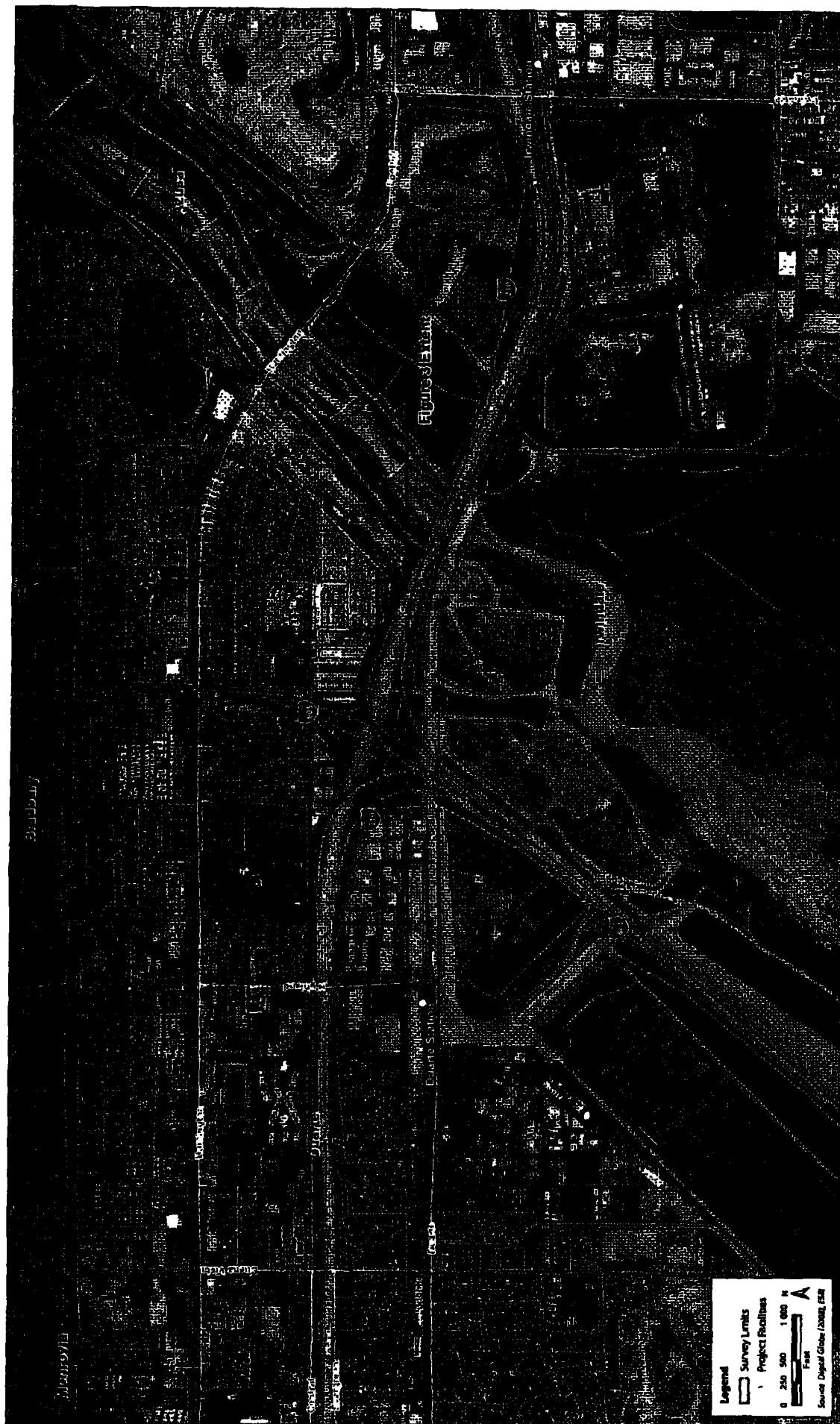
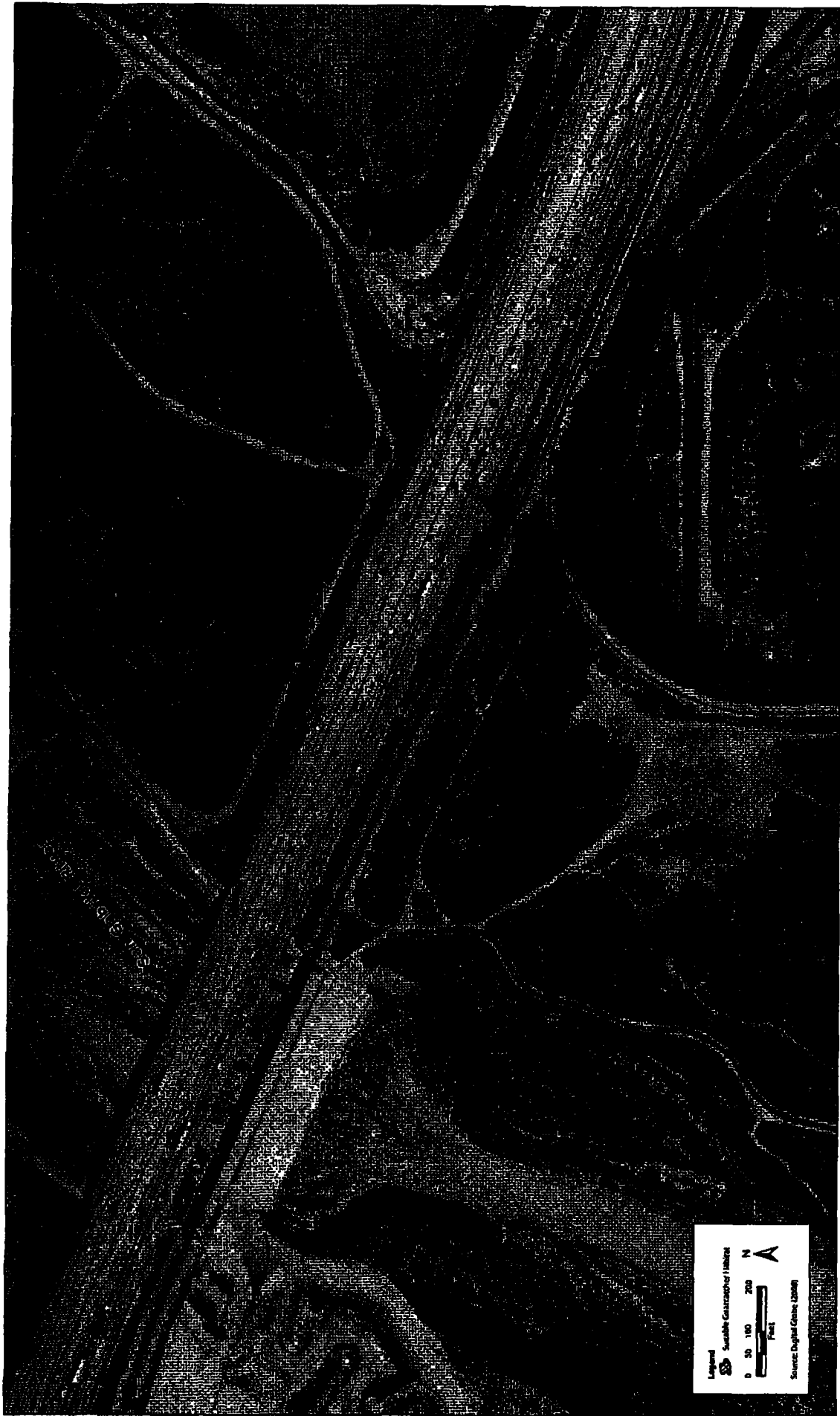


Figure 2 - Sheet 1  
Project Vicinity  
Metro Gold Line Foothill Extension - Segment 1







**Figure 3**  
**Suitable Gnatcatcher Habitat within the Survey Area**  
**Metro Gold Line Foothill Extension - Segment 1**

## Site Photographs



**Photo 1: Concrete spillway and other structures across the San Gabriel River where the existing track crosses. Vegetation below the spillway is just outside the Project area and is a monotypic stand of mulefat scrub. Photo facing west.**



**Photo 2: Patch of cattail at Feature 12. Photo facing southeast.**